

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 10 February 2022 at 4.00 pm

#### Present:

Councillor George Reynolds (Chairman)  
Councillor David Hughes (Vice-Chairman)  
Councillor Maurice Billington  
Councillor Andrew Beere  
Councillor John Broad  
Councillor Hugo Brown  
Councillor Colin Clarke  
Councillor Patrick Clarke  
Councillor Ian Corkin  
Councillor Sandy Dallimore  
Councillor Simon Holland  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor Les Sibley  
Councillor Dorothy Walker

#### Substitute Members:

Councillor Richard Mould (In place of Councillor Tony Mepham)  
Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)

#### Apologies for absence:

Councillor Mike Kerford-Byrnes  
Councillor Tony Mepham  
Councillor Sean Woodcock

#### Officers:

Alex Chrusciak, Senior Manager - Development Management  
Andy Bateson, Team Leader – Major Developments  
David Lowin, Principal Planning Officer (Major Projects Team)  
James Kirkham, Principal Planning Officer  
David Mytton, Solicitor  
Aaron Hetherington, Democratic and Elections Team Leader  
Lesley Farrell, Democratic and Elections Officer

## **Declarations of Interest**

### **8. OS Parcel 6372 South East of Milestone Farm Broughton Road, Banbury.**

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

### **9. Land North West of Launton Road Roundabout adjoining Skimmingdish Lane, Caversfield.**

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Sandy Dallimore, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

### **10. Kemsley Farm, Northampton Road, Weston on the Green, OX25 3AA.**

Councillor Simon Holland, Declaration, as the applicant was known to him and therefore would abstain from the vote.

### **11. Former Rodney House Private Drive off Graven Hill Road, Ambrosden.**

Councillor Ian Corkin, Non Statutory Interest, as a Non-Executive Director of Graven Village Holding Company and would leave the meeting for the duration of the item..

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Sandy Dallimore, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

### **12. Dovecote, Approximately 50 Metres South Of Old Place Yard House, Old Place Yard, Bicester.**

Councillor Barry Wood, Declaration, as a member of the executive and would leave the meeting for the duration of the item.

Councillor Colin Clarke, Declaration, as a member of the executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the executive and would leave the meeting for the duration of the item.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of the executive and would leave the meeting for the duration of the item..

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of the executive and would leave the meeting for the duration of the item.

Councillor Sandy Dallimore, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

131 **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

132 **Minutes**

The Minutes of the meeting held on 13 January 2022 were agreed as a correct record and signed by the Chairman.

133 **Chairman's Announcements**

There were no Chairman's Announcements

134 **Urgent Business**

There were no items of urgent business.

135 **Proposed Pre-Committee Site Visits (if any)**

There were no pre-committee site visits proposed.

136 **OS Parcel 6372 South East of Milestone Farm Broughton Road, Banbury**

The Committee considered application 21/03644/OUT for the erection of up to 49 dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue at OS Parcel 6372 South East of Milestone Farm Broughton Road, Banbury for Lone Star Land Limited.

Andrew Wilkins, the applicant, addressed the committee in support of the application.

In reaching its decision the Committee considered the officers' report and presentation, the written updates and the address of the public speaker.

## Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to:
  - i. No objections and recommended conditions from the county archaeologist following submission by the applicant of the results of the onsite trial trenches;
  - ii. The conditions set out below point iii (and any amendments to those conditions as deemed necessary); and
  - iii. The completion of a section 106 agreement to provide contributions to public transport, highway improvements, and community infrastructure as set out below.

### S106 Heads of Terms

- a) Provision of 30% affordable housing on site
- b) Payment of a financial contribution towards off site outdoor sports and recreation provision in the locality of £1,992.73 per dwelling, plus £335.32 per resident towards indoor facilities (index linked)
- c) Payment of a financial contribution towards the provision of community hall facilities for the development based on 2.46 persons per dwelling and providing 0.185 sq. m per person plus £200 per dwelling for public art and 5% management and 7% maintenance.
- d) Payment of a financial contribution towards educational infrastructure serving the site for primary, secondary, and secondary land contribution, and special needs education of £15,221 per dwelling (index linked)
- e) Payment for public art £224 per dwelling.
- f) Payment of a financial contribution of £94 per dwelling, index linked, towards household waste and recycling facilities.
- g) Payment of a financial contribution towards primary health care provision serving the development of £864 per dwelling (index linked)
- h) Payment of the Council's and OCC's monitoring costs.
- i) Enter into Section 278 Agreement for Highway works - £62,772, indexed to Q1 2018 BCIS. A361 Bloxham Road / Queensway / Springfield Avenue junction improvements

- j) Public transport services £51,499, indexed linked. Strengthening and enhancement of the B5 bus service.
- k) Public Rights of Way improvement £30,000. Indexed to November 2021. Improved surfacing and furniture to footpath 120/24.
- l) Public Rights of Way improvement, £5,000. Indexed to November 2021. Surfacing, furniture, and other measures to nearby public rights of way network

## CONDITIONS

1. No development shall commence until details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of one year from the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission the development shall be carried out strictly in accordance with Drawing Nos:21303 PA02 site location plan, 23158 05 Rev A site access plan.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority and to

comply with Government guidance contained within the National Planning Policy Framework.

5. No development shall take place until details of all ground levels and finished floor levels in relation to existing and proposed site levels and to adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework.

6. No development shall take place until a desk study, to include a site walk over and to identify all potential contaminative uses on site and to inform the conceptual site model have been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved desk study.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, a comprehensive intrusive investigation to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The report shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

8. If contamination is found by undertaking the work carried out under condition 7, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR

11'. The scheme shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

10. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles including an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. Discharge Rates.
- b. Discharge Volumes.
- c. SUDS (Permeable Paving, Soakaway Tanks);
- d. Maintenance and management of SUDS features (to include provision of a SUDS Management and Maintenance Plan);
- e. Infiltration in accordance with BRE365.
- f. Detailed drainage layout with pipe numbers.
- g. Network drainage calculations.
- h. Phasing.
- i. Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan).

Development shall be carried out in accordance with the approved surface water drainage scheme.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

11. No development shall take place until full details of the means of access between the planning application site and the highway on the

adjoining residential site the subject of an appeal immediately to the east of the site, including, position, layout, construction, drainage and vision splays, have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details before any dwelling is occupied and shall be retained as constructed thereafter.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

12. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall incorporate the following:
  - a. The CTMP must be appropriately titled, include the site and planning permission number.
  - b. Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
  - c. Details of and approval of any road closures needed during construction.
  - d. Details of and approval of any traffic management needed during construction.
  - e. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
  - f. Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
  - g. The erection and maintenance of security hoarding / scaffolding if required.
  - h. A regime to inspect and maintain all signing, barriers etc.
  - i. Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
  - j. The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
  - k. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and



occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.

l. Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.

m. A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.

n. Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.

o. Any temporary access arrangements to be agreed with and approved by Highways Depot.

p. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours. Development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

13. Prior to first occupation of the development a Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

14. Prior to its first occupation each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure

Reason: To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

15. No development shall take place until full details of the proposed footpath joining the new development to the highway a continuation Balmoral Avenue (north) to the east of the site, including, position, layout, construction, drainage and a timetable for the delivery of the improvements, have been submitted to and approved in writing by the

Local Planning Authority. No dwelling shall be occupied until the footpath has been constructed in accordance with the approved details.

Reason: In the interests of highway safety and public amenity and sustainable development and to comply with Policies ESD1, ESD15 and Banbury 10 and Government guidance contained within the National Planning Policy Framework.

16. No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved CEMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

17. No development shall take place until details of the means by which all dwellings shall be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

Reason: In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the National Planning Policy Framework.

18. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres per person per day and shall continue to accord with such a limit thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

19. No development shall take place, including any demolition and any works of site clearance, and as part of any reserved matters application for layout and landscaping, until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be in general compliance with Ecological Assessment report reference: edp7133\_r002a shall include a

biodiversity impact assessment metric, and shall include a timetable for provision of the biodiversity enhancement measures. The biodiversity enhancement measures shall be carried out and shall be retained in accordance with the approved scheme.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

20. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved strategy.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

22. The development hereby permitted shall be carried out in accordance with the recommendations set out in sections 5 and 6 Ecological Appraisal, report reference: edp7133\_r002a

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23. No dwelling shall be occupied until approval has been given in writing by the Local Planning Authority that either:
- a. Evidence to demonstrate that all water network upgrades required to accommodate the additional flows/demand from the development have been completed; or
  - b. A housing and infrastructure phasing plan has been agreed with Thames Water and the Local Planning Authority in writing to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no dwelling shall be occupied

other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

137 **Land North West of Launton Road Roundabout adjoining Skimmingdish Lane, Caversfield**

The Committee considered application 21/02286/F for the construction of a coffee unit with drive-thru facility and indoor seating with associated access, car parking, landscaping and servicing parking at Land North West of Launton Road Roundabout adjoining Skimmingdish Lane, Caversfield for Created Life Three (Bicester) Ltd.

Paul Troop, Bicester Bike User Group, addressed the committee in objection to the application.

Richard Frudd, the applicant's agent, addressed the committee in support of the application.

It was proposed by Councillor Reynolds and seconded by Councillor Hughes that consideration of application 21/02286/F be deferred for one month to allow officers to have further discussions with Oxfordshire County Council highways regarding options for pedestrian and cycle connections to the site.

In reaching its decision the Committee considered the officers' report, presentation, the written updates, and the addresses of the public speakers.

**Resolved**

That consideration of application 21/02286/F be deferred for one month to allow officers to have further discussions with Oxfordshire County Council highways regarding options for pedestrian and cycle connections to the site.

138 **Kemsley Farm, Northampton Road, Weston on the Green, OX25 3AA**

The Committee considered application 21/01580/F for the change of use of land from agriculture to equestrian use, erection of buildings to provide stabling for 36 ponies with associated facilities for the storage of tack, feed and equipment to tend the land, formation of an exercise arena and exercise track and school area. Relocation of existing site access to Akeman Street at Kemsley Farm Northampton Road Weston on the Green OX25 3AA for Oxford Polo Limited.

David Ashby, the applicant, addressed the committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation and the address of the public speaker.

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/01580/F subject to:
  - i) To the resolution of the objection from the County Archaeology and;
  - ii) The conditions set out below (and any amendments to those conditions as deemed necessary):

Conditions

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Glanville Flood Risk Assessment 4 October 2021, Windrush Ecological Impact Assessment (August 2021) and drawing number LP 001 Rev A, SKP 004 Rev H, J1545-01, 8210154 6101 A and Infiltration Basin.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the construction of any part of the access tracks, horse arena, schooling area or exercise track, full details of the final surface treatment for that element shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

4. Prior to the installation of any fences or other means of enclosure full details of the enclosures site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved

means of enclosure shall be erected, in accordance with the approved details and retained as such.

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and its subsequent amendments, no gate, fence, wall or other means of enclosure, other than those that have been approved as part of the application shall be erected, constructed or placed on the site without the prior express planning consent of the Local Planning Authority

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

6. Prior to any works above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework

7. Prior to any works above slab level full details of the extent and location of solar panels to be provided on the roof of the proposed buildings shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: To provide renewable energy at the site in accordance with Policy ESD5 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework

8. Prior to any works above slab level of the development hereby approved, full details of the location, method of storage and disposal of all manure and waste from the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details

Reason – To ensure that proper arrangements are made for the disposal of manure//waste, to ensure the creation of an environment

free from intrusive levels of odour/flies/vermin and to prevent the pollution of adjacent ditches and watercourses, in accordance with Policies AG5 and ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the installation of any external lighting, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details. At no time shall any additional external lighting beyond that agreed under this condition be installed at the site.

Reason - In the interests of the visual amenities of the area, to protect the amenity of the neighbouring properties and the ecological constraints of the site and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015), Policy E4 of the Weston on the Green Neighbourhood Plan 2021 and Government guidance contained within the National Planning Policy Framework

10. Prior to the any works to the access hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the site/buildings, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

11. Other than the approved access(s) no other means of access whatsoever shall be formed or used between the land and the highway.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

12. Prior to the any works above slab level or the first use of the site for equestrian purposes, a plan showing car parking provision for vehicles to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, and completed in accordance with the approved details and shall be retained solely for the parking of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

13. The development shall be carried out in accordance with the Recommendations and protection measures outline within Section 6 of the Windrush Ecological Impact Assessment (2021) Section 6 unless otherwise agreed in writing by the Local Planning Authority under a separate discharge of planning condition.

Reason: In the interests of the ecological value of the site and to protect habitats on the site and to comply with Policies, ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework

14. No development shall take place above slab level and the site shall not be used for equestrian purposes until a Landscape and Ecology Management Plan (LEMP) based on the Windrush Ecology Ecological Impact Assessment (2021) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a full detailed landscaping plan and full details of the other ecological enhancements for the site. Thereafter the development shall be carried out in strict accordance with the approved details prior to the first use of the site and all the landscaping shall be completed in the first planting and seeding seasons following the occupation of the site for equestrian purposes or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage, to ensure a biodiversity net gain is secured and to help mitigate the visual impacts of the development in accordance with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

15. The drainage system shall be implemented in strict accordance with the detail drainage design (as outlined in the document below) prior to the use of the building commencing:  
- Glanville Flood Risk Assessment Kemsley Barn, Akeman Street, Weston on the Green, Oxfordshire (ref: 001\_8210613\_AQ\_Flood\_Risk\_Assessment 4 October 2021 Issue 1

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework

16. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:



- a. As built plans;
- b. Photographs to document each key stage of the drainage system when installed on site;
- c. Photographs to document the completed installation of the drainage structures on site;
- d. The name and contact details of the appointed management company information and their responsibilities

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government

17. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

139

### **Former Rodney House Private Drive off Graven Hill Road, Ambrosden**

The Committee considered application 21/01454/F for the proposed Bicester Health and Wellbeing Hub at Former Rodney House Private Drive off Graven Hill Road Ambrosden for Mr Richard Drew.

In reaching its decision the Committee considered the officer's report and presentation and written updates.

#### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to:
  - i. Conditions set out below point iii (and any amendments to those conditions as deemed necessary); and
  - ii. A s106 deed of variation to the extant s106 to address the revised biodiversity mitigation; and
  - iii. The completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and

compensation act 1991, to secure the following (and any amendments as deemed necessary):

#### New S106 Heads of Terms

- A. £310,262 index linked – Payment of a contribution to improve public transport (bus) provision to the site
- B. £2,336 index linked – OCC Travel Plan Monitoring Fee

#### CONDITIONS

##### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

##### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

IBI-AR-XX-XX-PL-100-004 Rev 17 – Proposed Site Masterplan  
WIE11386-HHA-05-001 Rev A01 – Health Hub & Western Spine Road Vis.  
16470-WIE-100-74-XX-ZZ-110 Rev P01 – Biodiversity Net Gain Offset Plan  
122447-IBI-XX-WS-PL-A-100-005 Rev 7 – Existing Site Location Plan  
IBI-XX-XX-PL-A-200-005 Rev 18 – Proposed Site Plan  
16470-WIE-100-74-XX-ZZ-000 Rev A – Colour Masterplan  
122447-IBI-XX-XX-PL-A-200-5010 Rev P4 – Ground Floor Plan  
122447-IBI-XX-XX-PL-A-200-5011 Rev P4 – First Floor Plan  
122447-IBI-XX-XX-PL-A-200-5012 Rev P4 – Second Floor Plan  
122447-IBI-XX-XX-PL-A-200-5013 Rev P1 – Roof Plan  
122447-IBI-XX-XX-EL-A-200-5020 Rev P1 – North & West Elevations  
122447-IBI-XX-XX-EL-A-200-5021 Rev P1 – East & South Elevations  
122447-IBI-XX-XX-EL-A-200-5022 Rev P1 – Courtyard Elevations  
8757-MCP-V1-XX-DR-E-9000 Rev P01 – External Lighting Strat. & PV Plan  
16470-WIE-100-74-XX-ZZ-100 Rev P03 – Illustrative Landscape Plan Design & Access Statement, March 2021  
Planning Statement, April 2021  
WSI for Archaeological Investigation, February 2021  
Technical Note – Biodiversity Net Gain Assessment, April 2021  
Supplemental Tech. Note – Biodiversity Net Gain Assessment, August 2021

Ecological Impact Assessment, March 2021  
Building Regs Part L Compliance Report, March 2021  
Geotechnical Desk-Study Report – Part 1, February 2021  
Geotechnical Desk-Study Report – Part 2, February 2021  
Geotechnical Site Investigation Report, June 2021  
Arboricultural Impact Assessment, April 2021  
Arboricultural Survey Schedule, August 2020  
Arboricultural Briefing Note, December 2021  
Flood Risk Assessment & S/W Drainage Strategy, March 2021  
Travel Plan, March 2021  
Transport Assessment – Part 1, April 2021  
Transport Assessment – Part 2, April 2021  
Transport Assessment – Part 3, April 2021  
Supplemental TRICS data for GP Surgeries with Pharmacies  
Transport Tech. Note – Primary Health Care Hub proposals, July 2021

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Samples of all the external materials to be used in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 [C18] of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework.

5. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass

seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e., depth of topsoil, mulch etc);

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/ hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. The existing hedge(s) along the north west boundary of the site shall be retained at a minimum height of not less than two metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

8. No development shall take place until the existing tree T13 to be retained on the south east boundary (shown on approved plan 16470-WIE-100-74-XX-ZZ-100 P03) has been protected in accordance with the approved Tree Protection Plan and Arboricultural Briefing Note dated December 2021 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. The approved parking and turning/loading/unloading facilities (shown on approved plan IBI-XX-XX-PL-A-200-005 Rev18) shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking and turning/loading/unloading spaces shall be retained for the parking and turning/loading/unloading of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking [and turning/loading/unloading] and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

10. Before any above ground works commence a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

11. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

12. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996.

13. Prior to the first use of the business hereby approved, suitably located waste bins shall be provided outside the premises and retained for public use in accordance with details to be firstly submitted to an approved in writing by the Local Planning Authority.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/smoke/litter in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routeing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;

- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. The development hereby permitted shall be carried out in accordance with the recommendations set out in Written Scheme of Investigation of the Health Hub site by Waterman Infrastructure & Environment Ltd dated February 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

16. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 15 above the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

17. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Impact Assessment by Waterman Infrastructure & Environment Ltd dated March 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

18. The development hereby permitted shall be constructed to BREEAM 'Excellent' standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

19. Prior to construction of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

20. Prior to any occupation of the building it shall be provided with a minimum of 48 solar PV panels in accordance with the details set out in the Building Regs. Part L Compliance Report by McCann & Partners, dated March 2021, which demonstrates significant exceedance of the minimum Part L target values and shall be maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework and Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

21. The Health Hub building hereby permitted shall be used for medical or health services only (Use Class E(e)) and notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended including the update of 1 September 2020) for no other purpose falling within Class E unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the delivery and maintenance of medical and health services to Graven Hill residents and the surrounding Bicester population that it will serve.

22. The development shall not be brought into use until a cycle route linking the site with the existing and proposed cycle network has been constructed in accordance with details including lighting, surfacing and signage submitted to and approved in writing by the Local Planning Authority.



Reason: - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.”

140

**Dovecote, Approximately 50 Metres South Of Old Place Yard House, Old Place Yard, Bicester**

The Committee considered application 21/03976/DISC for the discharge of conditions 6 (roof tile), 10 (rainwater goods sample), 11 (wire brush metalwork), 12 (matching paint colour), 13 (proposed fittings) & 14 (mortar sample) of application 21/02394/LB at Dovecote approximately 50 Metres South Of Old Place Yard House Old Place Yard, Bicester for Cherwell District Council.

In reaching its decision the Committee considered the officer's report, presentation and written updates.

**Resolved**

That authority be delegated to the Assistant Director for Planning and Development to discharge conditions 6 (roof tile), 10 (rainwater goods sample), 11 (wire brush metalwork), 12 (matching paint colour), 13 (proposed fittings) & 14 (mortar sample) of 21/02394/lb - only once a suitable tile has been agreed in relation to condition 6.

141

**Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

**Resolved**

(1) That the position statement be accepted.

The meeting ended at 5.24 pm

Chairman:

Date: